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C O N F I D E N T I A L CARACAS 003846

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NSC FOR CBARTON
USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 05/25/2014

TAGS: [PGOV](#) [KJUS](#) [VE](#)

SUBJECT: VENEZUELAN ASSEMBLY APPOINTS NEW SUPREME COURT JUSTICES

Classified By: A/DCM ABELARDO A. ARIAS FOR REASONS 1.4 (d)

Summary

[1](#)1. (U) Venezuela's National Assembly appointed 17 new Supreme Court justices and 32 alternates December 13. The appointments expanded the Court by 12 justices, and replaced 5 retired or removed justices. Opposition Deputies boycotted the vote. Among those appointed are two Deputies from President Chavez' Fifth Republic Movement and the National Electoral Council President Francisco Carrasquero. These appointments give President Chavez full control of the Supreme Court. The pro-Chavez Assembly majority pressed through legal procedures in record time, scheduling controversial special sessions on days when the legislature does not normally meet, to be able to approve the candidates with the vote of a simple majority. End Summary

TSJ Expansion

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[1](#)2. (U) Venezuela's National Assembly appointed 17 new Supreme Court Justices and 32 alternate Justices December 13. The appointments expand each chamber of the Supreme Court by two members, from three to five, except for the Constitutional Chamber, which goes from five to seven members. The Assembly also replaced four justices who had retired and one who was removed by the Assembly. These changes to the Court follow the passage of the Organic Law of the Supreme Court in May, which expanded the Court from 20 to 32 justices. Human Rights Watch called the Supreme Court law a grave threat to the independence of the judiciary at the time, among other reasons because the expansion of the court would allow the GOV to stack the Court with partisan justices.

[1](#)3. (C) National Assembly Deputy Leopoldo Martinez (Construyendo Pais) said the appointments also increase the potential for corruption. He told A/DCM December 14 that the practice is for the justices alternates to set up offices, staffed with several lawyers, which then "advise" interested parties on matters that they have, or may wish to bring, before the court. The alternates receive no direct salaries, only stipends when they actually sit in for the justices, so they obtain income from their offices. The justices themselves receive a monthly salary of 18 million bolivares (approx.\$9,300) and are paid 15 months per year.

4th Time's the Charm

[1](#)4. (U) The Supreme Court law requires that the Assembly make three attempts to obtain the two-thirds majority to appoint justices called for in the constitution. If the Assembly is unable to arrive at a consensus, however, the law allows the Assembly to appoint the justices with a simple majority on the fourth vote. The Assembly met three times beginning the week of December 6, including special sessions on idle days and days assigned to committee work, to elect the justices. The pro-Chavez Assembly leadership staged no votes during these sessions, nor did it reveal the name of the proposed justices. They instead canceled the sessions on confirming that they did not have the required two-thirds majority. The opposition boycotted the culminating December 13 session as a consequence.

[1](#)5. (U) The simple majority requirement meant that the pro-GOV parties in the Assembly could appoint justices with their 86 Deputies alone. They used the opposition boycott, however, to bring in the pro-GOV alternates of some opposition Deputies to bolster the vote. (Note: Some opposition Deputies have pro-Chavez alternates, because they were originally elected on a pro-Chavez ticket.) This led the final vote on the judicial appointments to be 100 to 101 votes (depending on the candidate) in favor.

Famous Faces

16. (U) Among those appointed to the Court were former

Electoral Council president Francisco Carrasquero, pro-Chavez
Deputies Luis Franceschi and Luis Velasquez Alvaray, and the
chief military prosecutor, Eladio Aponte. Deputy Juan Carlos
Caldera (Convergencia) told reporters December 13 that
Carrasquero and Velasquez Alvaray were being "rewarded" by
the GOV for services rendered. Former Supreme Court Justice
Carlos Escarra, nominated for one of the positions, claimed
that many of the candidates had "excellent credentials",
including Carrasquero. Rafael Simon Jimenez (Vamos), claimed
that, "many of these persons do not have the qualifications
to occupy a seat on the Supreme Court."

Comment

17. (C) The National Assembly has given Chavez a tailor-made
Supreme Court. It did so with new-found characteristic
efficiency, using questionable parliamentary tactics and
absent an opposition to, at a minimum, make the process more
difficult. These appointments guarantee Chavez complete
control of the Supreme Court. The most significant change is
in the Penal Chamber, which until now has shown occasional
flashes of independence.
Brownfield

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